

PROB 22  
(Rev. 9/13)

**FILED**  
2:31 pm, Feb 17, 2017  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

17 CR 99  
USA VS. David Castaneda-Solis  
DOCUMENTS RECEIVED FROM  
SOUTHERN DISTRICT OF INDIANA (INDIANAPOLIS)  
FILED: FEBRUARY 17, 2017

<b>NAME &amp; ADDRESS OF PROBATIONER/SUPERVISED RELEASEE</b>  David Castaneda-Solis Chicago, Illinois		<b>DOCKET NUMBER (Transferring Court)</b>  1:11CR00037-001	
		<b>DOCKET NUMBER (Receiving Court)</b>	
<b>JUDGE DOW</b> <b>MAGISTRATE JUDGE KIM</b>		<b>DISTRICT</b>  SD/IN	<b>DIVISION</b>  Indianapolis
		<b>NAME OF SENTENCING JUDGE</b> The Honorable U.S. District Court Judge	
		<b>DATES OF PROBATION/SUPERVISED RELEASE</b>	<b>FROM</b> May 17, 2014
<b>OFFENSE</b>  Illegal Re-Entry After a Deportation Subsequent to a Conviction for an Aggravated Felony			
<i>United States District Court for the Southern District of Indiana</i>			
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the United States District Court for the <u>Northern District of Illinois</u> upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*			
2/6/17 Date		<i>William J. Lawrence</i> United States District Judge	
*This sentence may be deleted in the discretion of the transferring Court.			
<i>United States District Court for the Northern District of Illinois</i>			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
2/8/17 Date		<i>Ruben Castillo</i> United States District Judge	

**FILED**

FEB-17 2017

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

**COPY ATTEST**  
THOMAS G. BRUTON, CLERK  
BY *[Signature]*  
U.S. DISTRICT COURT SOUTHERN DISTRICT OF INDIANA  
DATE: 2-13-2017

**FILED**

LOW

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

**A CERTIFIED TRUE COPY**

Laura A. Briggs, Clerk  
U.S. District Court  
Southern District of Indiana



By Melanie Carmichael  
Deputy Clerk

INTERPRETER, CLOSED

**U.S. District Court  
Southern District of Indiana (Indianapolis)**

**CRIMINAL DOCKET FOR CASE #: 1:11-cr-00037-WTL-TAB-1  
Internal Use Only**

Case title: USA v. CASTANEDA-SOLIS  
Magistrate judge case number: 1:11-mj-00059-KPF

Date Filed: 03/09/2011  
Date Terminated: 11/07/2011

Assigned to: Judge William T.  
Lawrence  
Referred to: Magistrate Judge Tim A.  
Baker

Trial Date:  
Plea and Sentence:  
Change of Plea Hearing:  
Initial Appearance:

Final Pretrial Conference:  
Sentencing:  
Accept/Reject Plea Hearing:  
Pending SRV:

**Defendant (1)**

**DAVID CASTANEDA-SOLIS**  
*TERMINATED: 11/07/2011*

represented by **Juval O. Scott**  
INDIANA FEDERAL COMMUNITY  
DEFENDERS  
111 Monument Circle  
Suite 752  
Indianapolis, IN 46204  
(317) 383-3520  
Fax: (317) 383-3525  
Email: juval.scott@fd.org  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*

**Pending Counts**

8:1326B.F REENTRY OF  
DEPORTED ALIEN - FELONY  
(1)

**Disposition**

Defendant pled guilty to count 1.  
IMPRISONMENT: 46 months. The  
court recommends that the defendant be  
designated to an institution in Ohio.  
SUPERVISED RELEASE: 3 years.  
S.A. FEE: \$100.00

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**





ILLEGAL ALIEN










**Disposition**

**Plaintiff**



USA













represented by **Gayle Helart**  
UNITED STATES ATTORNEY'S  
OFFICE  
10 West Market Street  
Suite 2100  
Indianapolis, IN 46204  
317-226-6333  
Fax: 317-226-6125  
Email: gayle.helart@usdoj.gov  
*ATTORNEY TO BE NOTICED*






Date Filed	#	Docket Text
02/11/2011	<u>1</u>	COMPLAINT & AFFIDAVIT approved and signed by Judge Magistrate Judge Kennard P. Foster as to DAVID CASTANEDA-SOLIS (1). (CBU) [1:11-mj-00059-KPF] (Entered: 02/11/2011)
02/11/2011	  <u>2</u>	<b>(Applicable Party)</b> ARREST Warrant Issued by Magistrate Judge Kennard P. Foster in case as to DAVID CASTANEDA-SOLIS. (CBU) [1:11-mj-00059-KPF] (Entered: 02/11/2011)
02/14/2011	<u>3</u>	ORDER directs the clerk to provide an interpreter as to DAVID CASTANEDA-SOLIS. Signed by Magistrate Judge Kennard P. Foster on 2/14/2011.(CBU) [1:11-mj-00059-KPF] (Entered: 02/14/2011)
02/14/2011	  <u>4</u>	<b>(Ex Parte)</b> CJA 23 Financial Affidavit by DAVID CASTANEDA-SOLIS (CBU) [1:11-mj-00059-KPF] (Entered: 02/14/2011)
02/14/2011	<u>5</u>	PENALTIES Form NOT signed by DAVID CASTANEDA-SOLIS and signed by U.S. Magistrate Judge. (CBU) [1:11-mj-







		00059-KPF] (Entered: 02/14/2011)
02/14/2011	<u>6</u>	CHARGES AND RIGHTS Form NOT signed by DAVID CASTANEDA-SOLIS and signed by U.S. Magistrate Judge. (CBU) [1:11-mj-00059-KPF] (Entered: 02/14/2011)
02/14/2011	<u>7</u>	WAIVER of Preliminary Hearing by DAVID CASTANEDA-SOLIS (CBU) [1:11-mj-00059-KPF] (Entered: 02/14/2011)
02/14/2011	<u>8</u>	COURTROOM MINUTES for proceedings held before Magistrate Judge Kennard P. Foster: Defendant DAVID CASTANEDA-SOLIS appears in person and by FCD counsel Juval Scott. Appearance for the USA by AUSA Steve DeBrotta for Gayle Helart. USPO represented by Angie Smith. Defendant is remanded to custody of USM. Initial Appearance on Complaint held on 2/14/2011. Charges Rights and penalties were read and explained. Victor Krebs was sworn as interpreter. Deft signed waiver of prel examination and pc was found. Deft orally waived detention and the deft is ordered detained. (CBU) [1:11-mj-00059-KPF] (Entered: 02/14/2011)
02/14/2011		<b>(Court only)</b> *** Attorney update in case as to DAVID CASTANEDA-SOLIS. Attorney Gayle Helart for USA and Juval O. Scott for DAVID CASTANEDA-SOLIS added*** (CBU) [1:11-mj-00059-KPF] (Entered: 02/14/2011)
02/14/2011		<b>(Court only)</b> *** Arrest of DAVID CASTANEDA-SOLIS on the complt*** (CBU) (Entered: 03/11/2011)
03/09/2011	<u>9</u>	INDICTMENT ***REDACTED*** as to DAVID CASTANEDA-SOLIS (1) count(s) 1. (DWH) (Entered: 03/10/2011)
03/09/2011	 <u>10</u>	<b>(Case Participants)</b> UNREDACTED DOCUMENT regarding <u>9</u> Indictment as to DAVID CASTANEDA-SOLIS. (DWH) (DWH). (Entered: 03/10/2011)
03/09/2011	  <u>11</u>	<b>(Applicable Party)</b> Grand Jury True Bill as to DAVID CASTANEDA-SOLIS. (DWH) (Entered: 03/10/2011)
03/09/2011	  <u>12</u>	<b>(Ex Parte)</b> CRIMINAL INFORMATION SHEET as to DAVID CASTANEDA-SOLIS. (DWH) (Entered: 03/10/2011)
03/09/2011	  <u>13</u>	<b>(Applicable Party)</b> PRAECIPE for Warrant as to DAVID CASTANEDA-SOLIS. (DWH) (Entered: 03/10/2011)
03/09/2011	<u>14</u>	NOTICE OF ATTORNEY APPEARANCE Gayle Helart appearing for USA. (DWH) (Entered: 03/10/2011)
03/10/2011	<u>15</u>	NOTIFICATION of Assigned Judge, Automatic Not Guilty Plea, Trial Date, Discovery Order and Other Matters as to DAVID CASTANEDA-SOLIS. Jury Trial set for 5/16/2011 09:00 AM in room #202, United States Courthouse, 46 E. Ohio Street,




		Indianapolis, Indiana before Judge William T. Lawrence. Signed by Judge William T. Lawrence on 3/10/2011.(DWH) (Entered: 03/10/2011)
03/10/2011	  <u>16</u>	( <b>Applicable Party</b> ) Arrest Warrant Issued by Laura A. Briggs, Clerk in case as to DAVID CASTANEDA-SOLIS. (DWH) (Entered: 03/10/2011)
03/11/2011	<u>17</u>	ARREST Warrant Returned by US Marshal. Executed on 2/14/2011 in case as to DAVID CASTANEDA-SOLIS (complt) (CBU) (Entered: 03/11/2011)
03/14/2011	<u>18</u>	SCHEDULING ORDER as to DAVID CASTANEDA-SOLIS - Initial Appearance set for 3/18/2011 10:00 AM in room #243, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Kennard P. Foster. Signed by Magistrate Judge Kennard P. Foster on 3/14/2011.(MAC) (Entered: 03/15/2011)
03/18/2011	<u>19</u>	COURTROOM MINUTES for proceedings held before Magistrate Judge Kennard P. Foster: Initial Appearance on Indictment held on 3/18/2011. Charges Rights and penalties were read and explained. Parties ordered to meet and confer regarding disclosure of evidence on or before 4/6/11. Defendant waived formal arraignment. Defendant DAVID CASTANEDA-SOLIS appears in person and by FCD counsel Juval Scott. Appearance for the USA by AUSA Gayle Helart. USPO represented by Thomas Parker. Defendant is remanded to custody of USM. Victor Krebs was sworn in as interpreter. Deft waived detention on 2/14/2011 and that stands. (CBU) (Entered: 03/21/2011)
03/18/2011	<u>20</u>	CHARGES AND RIGHTS Form NOT signed by DAVID CASTANEDA-SOLIS and signed by U.S. Magistrate Judge. (CBU) (Entered: 03/21/2011)
03/18/2011	<u>21</u>	PENALTIES Form NOT signed by DAVID CASTANEDA-SOLIS and signed by U.S. Magistrate Judge. (CBU) (Entered: 03/21/2011)
05/09/2011	<u>22</u>	MOTION to Continue <i>TRIAL DATE</i> by DAVID CASTANEDA-SOLIS. (Attachments: # <u>1</u> Text of Proposed Order)(Scott, Juval) (Entered: 05/09/2011)
05/10/2011	<u>23</u>	ORDER granting <u>22</u> Motion to Continue as to DAVID CASTANEDA-SOLIS (1). IT IS THEREFORE ORDERED that the May 16, 2011 trial date is vacated, and that the trial in this cause be rescheduled to commence on for 8/8/2011 at 9:00 AM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge William T. Lawrence. Signed by Judge William T. Lawrence on 5/10/2011.(DWH) (Entered: 05/10/2011)

06/16/2011		<u>24</u>	PETITION TO ENTER A PLEA OF GUILTY <i>AND REQUEST FOR PRESENTENCE INVESTIGATION</i> as to DAVID CASTANEDA-SOLIS (Scott, Juval) (Entered: 06/16/2011)
06/17/2011		<u>25</u>	ENTRY FOR JUNE 17, 2011 as to DAVID CASTANEDA-SOLIS: Having filed a Petition To Enter A Plea Of Guilty, the trial of this defendant scheduled for August 8, 2011 is now VACATED.(DWH) (Entered: 06/17/2011)
06/23/2011	 	<u>26</u>	<b>(Applicable Party)</b> Letter from USPO regarding Presentence Report Assignment and Sentencing Procedure required by Local Criminal Rule 13.1 as to defendant DAVID CASTANEDA-SOLIS. Presentence Report assigned to Probation Officer Kenneth Grafe. (USPO, gdc) (Entered: 06/23/2011)
07/29/2011	 	<u>27</u>	<b>(Applicable Party)</b> For Counsel ONLY USPO INITIAL Presentence Investigation Report, filed by Officer Kenneth Grafe as to defendant DAVID CASTANEDA-SOLIS. Pursuant to Local Criminal Rule 13.1(d), parties who wish to file OBJECTIONS to the Presentence Investigation Report must do so <b>within 14 DAYS</b> . Objections may be filed electronically via CM/ECF. (USPO, jem) (Entered: 07/29/2011)
08/15/2011	 	<u>28</u>	<b>(Applicable Party)</b> USPO FINAL with ADDENDUM Presentence Investigation Report, filed by Officer Kenneth Grafe as to defendant DAVID CASTANEDA-SOLIS. Initial Presentence Report UNCHANGED. Addendum may contain contested issues. (USPO, gdc) (Entered: 08/15/2011)
08/15/2011	 	<u>29</u>	<b>(Court only)</b> USPO Sentencing Recommendation re <u>28</u> USPO Presentence Investigation Report, filed by Officer Kenneth Grafe as to DAVID CASTANEDA-SOLIS. (USPO, gdc) (Entered: 08/15/2011)
08/17/2011		<u>30</u>	SCHEDULING ORDER as to DAVID CASTANEDA-SOLIS: Plea and Sentence set for 10/20/2011 10:00 AM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge William T. Lawrence. Signed by Judge William T. Lawrence on 8/17/2011.(JHO) (Entered: 08/17/2011)
08/22/2011	 	<u>31</u>	<b>(Applicable Party)</b> USPO REVISED FINAL with ADDENDUM Presentence Investigation Report, filed by Officer Kenneth Grafe as to defendant DAVID CASTANEDA-SOLIS. Addendum may contain contested issues. <b>PLEASE SHRED ALL PREVIOUS VERSIONS OF THE PRESENTENCE REPORT.</b> (USPO, gdc) (Entered: 08/22/2011)
08/22/2011	 	<u>32</u>	<b>(Court only)</b> USPO REVISED Sentencing Recommendation re <u>31</u> USPO Revised Final Presentence Investigation Report, filed by Officer Kenneth Grafe as to DAVID CASTANEDA-SOLIS. <b>PLEASE SHRED ALL PREVIOUS VERSIONS OF THE</b>

		<b>SENTENCING RECOMMENDATION.</b> (USPO, gdc) (Entered: 08/22/2011)
10/12/2011	<u>33</u>	ENTRY in case as to DAVID CASTANEDA-SOLIS - The Plea and Sentencing hearing on October 20, 2011 at 10:00 a.m. has been moved to Courtroom 349 on October 20, 2011 at 10:00 a.m. Signed by Judge William T. Lawrence on 10/12/2011.(JHO) (Entered: 10/12/2011)
10/25/2011	<u>34</u>	ENTRY FOR OCTOBER 25, 2011 as to DAVID CASTANEDA-SOLIS: The Plea and Sentencing hearing previously scheduled to be conducted on October 20, 2011 is vacate and shall be conducted on November 3, 2011 at 10:30 a.m. in Courtroom 202 of the U.S. Courthouse.(DWH) (Entered: 10/25/2011)
11/03/2011	<u>35</u>	COURTROOM MINUTES for proceedings held before Judge William T. Lawrence - Plea and Sentence Hearing held on 11/3/2011. DAVID CASTANEDA-SOLIS (1) Plea of guilty and sentencing on Count 1., Defendant DAVID CASTANEDA-SOLIS appears in person with assistance by FCD counsel Juval Scott. Appearance for the USA by AUSA Gayle Helart. USPO represented by Kenneth Grafe. Interpreter Claudia Samulowitz is sworn. After hearing and accepting the factual basis for the plea as presented by the stipulated factual basis, the Court ACCEPTS the defendant's plea of guilty to the Indictment and adjudges the defendant guilty. The Court sentences the defendant. Defendant is remanded to custody of USM. (Court Reporter Jean Knepley) (DW) (Main Document 35 replaced on 11/4/2011) (DW). Modified on 11/8/2011 (DW). (Entered: 11/03/2011)
11/03/2011	<u>36</u>	STIPULATED FACTS of the Parties as to DAVID CASTANEDA-SOLIS. (DW) (Entered: 11/04/2011)
11/07/2011	<u>37</u>	JUDGMENT as to DAVID CASTANEDA-SOLIS (1): Defendant pled guilty to count 1. IMPRISONMENT: 46 months. The court recommends that the defendant be designated to an institution in Ohio. SUPERVISED RELEASE: 3 years. S.A. FEE: \$100.00. Signed by Judge William T. Lawrence on 11/7/2011.(DW) (Entered: 11/08/2011)
11/07/2011	  <u>38</u>	<b>(Applicable Party)</b> CONFIDENTIAL Statement of Reasons re <u>37</u> Judgment as to DAVID CASTANEDA-SOLIS. (DW) (Entered: 11/08/2011)
01/30/2017	   <u>39</u>	<b>(Court only)</b> USPO Petition for WARRANT /Violation of SUPERVISED RELEASE, filed by Officer Bob Akers as to DAVID CASTANEDA-SOLIS (1). (Attachments: # <u>1</u> Violation Worksheet, # <u>2</u> Memo, # <u>3</u> Revocation Parameters Worksheet) (USPO, gdc) (Entered: 01/30/2017)
01/31/2017	<u>40</u>	NOTICE of Reassignment of case as to DAVID CASTANEDA-

		SOLIS (1) to Magistrate Judge Tim A. Baker. Magistrate Judge Kennard P. Foster no longer assigned to the case. Please include the new case number, <b>1:11-cr-037-WTL-TAB</b> , on all future filings in this matter. (DJH) (Entered: 01/31/2017)
01/31/2017	  <u>41</u>	<b>(Applicable Party)</b> Order GRANTS Issuance of WARRANT re <u>39</u> USPO Petition for WARRANT /Violation of SUPERVISED RELEASE, filed by Officer Bob Akers as to DAVID CASTANEDA-SOLIS (1).. Signed by Judge William T. Lawrence on 1/31/2017. Paper copies to USM. (Attachments: # <u>1</u> Parameters Worksheet)(MAC) (Entered: 01/31/2017)
01/31/2017	  <u>42</u>	<b>(Applicable Party)</b> ORDER REFERRING <u>39</u> USPO Petition for WARRANT /Violation of SUPERVISED RELEASE, filed by Officer Bob Akers as to DAVID CASTANEDA-SOLIS (1).. Signed by Judge William T. Lawrence on 1/31/2017. Paper copies to USM. Motions referred to Criminal Duty Magistrate Judge.(MAC) (Entered: 01/31/2017)
01/31/2017	  <u>43</u>	<b>(Applicable Party)</b> Arrest Warrant Issued by Clerk in case as to DAVID CASTANEDA-SOLIS (1). Paper copies to USM.(MAC) (Entered: 01/31/2017)
02/02/2017	<u>44</u>	USPO Request for Transfer OUT of Jurisdiction of SUPERVISED RELEASE to Northern District of Illinois, filed by Officer Bob Akers as to DAVID CASTANEDA-SOLIS (1). (Attachments: # <u>1</u> USPO Memorandum)(MAC) (Entered: 02/03/2017)
02/06/2017	<u>45</u>	ORDER /ENTRY approving <u>44</u> Request for Transfer OUT of Jurisdiction of SUPERVISED RELEASE to Northern District of Illinois as to DAVID CASTANEDA-SOLIS (1). Signed by Judge William T. Lawrence on 2/6/2017.(MAC) (Entered: 02/06/2017)
02/06/2017		<p><b>**PLEASE DISREGARD FORWARDED TO THE WRONG DISTRICT**</b>Notice of a Transfer of Jurisdiction as to DAVID CASTANEDA-SOLIS (1). Using a PACER account, the docket sheet and any documents may be received via the case number link. Any necessary sealed/restricted documents will be transmitted to the receiving district court via a separate e-mail message.</p> <p>Upon acceptance/denial of this transfer, the receiving district court should please send a copy of the signed Order to InterdistrictTransfer_INSD@insd.uscourts.gov.</p> <p>If the receiving district court requires certified copies of any documents please send that request to InterdistrictTransfer_INSD@insd.uscourts.gov. (MAC) Modified on 2/7/2017 (MAC). (Entered: 02/06/2017)</p>

02/07/2017		<p>Notice of a Transfer of Jurisdiction as to DAVID CASTANEDA-SOLIS (1). Using a PACER account, the docket sheet and any documents may be received via the case number link. Any necessary sealed/restricted documents will be transmitted to the receiving district court via a separate e-mail message.</p> <p>Upon acceptance/denial of this transfer, the receiving district court should please send a copy of the signed Order to InterdistrictTransfer_INSD@insd.uscourts.gov.</p> <p>If the receiving district court requires certified copies of any documents please send that request to InterdistrictTransfer_INSD@insd.uscourts.gov. (MAC) (Entered: 02/07/2017)</p>
02/16/2017	<u>46</u>	<p>REMARK - The Southern District of Indiana receives notice from the Northern District of Illinois accepting Transfer of Jurisdiction as to DAVID CASTANEDA-SOLIS (1). Document received or obtained via U.S. Mail. The Northern District of Illinois assigned Case Number 16-cr-671. Electronic Notice to USPO. (Attachments: # <u>1</u> Prob 22 Transfer Order, # <u>2</u> Envelope)(MAC) (Entered: 02/17/2017)</p>
02/17/2017	 <u>47</u>	<p><b>(Court only)</b> *** Certified copies of Docket Sheet, Indictment, Judgment and Transfer Order sent to Northern District of Illinois via email per request of the receiving District as to DAVID CASTANEDA-SOLIS (1). (MAC) (Entered: 02/17/2017)</p>

Case #: 1:11-cr-00037-WTL-TAB-1

**A CERTIFIED TRUE COPY**

Laura A. Briggs, Clerk  
U.S. District Court  
Southern District of Indiana



By Melvin Carrichael  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION  
11 MAR -9 PM 2:46

SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID CASTANEDA-SOLIS,

Defendant.

Cause No. 1:11-cr-

**1:11-cr-0037 WTL-KPF**

**INDICTMENT**

**COUNT 1**

The Grand Jury charges that:

On or between January 14, 2011, and February 11, 2011, in Marion County, Indiana,  
within the Southern District of Indiana, Indianapolis Division, and elsewhere,

DAVID CASTANEDA-SOLIS

the defendant herein, being an alien, after having been deported and removed from the United States to Mexico on or about February 10, 2009, through El Paso, Texas, said deportation being subsequent to the defendant's conviction for an aggravated felony on or about January 29, 2008, for the offense of Conspiracy Dealing in Cocaine, Cause No. 49-G20-0703-FA-045115, Marion County (Indiana) Superior Court, was found in the United States at Marion County, Indiana,



without the Attorney General of the United States having expressly given consent to the defendant's reapplying for admission into the United States.

All in violation of Title 8, United States Code, Section 1326(a) and (b)(2).

A TRUE BILL:

FOREPERSON

JOSEPH H. HOGSETT  
United States Attorney

by:

Gayle L. Helart  
Gayle L. Helart  
Assistant United States Attorney

## UNITED STATES DISTRICT COURT

SOUTHERN

District of

INDIANA

UNITED STATES OF AMERICA  
V.

## JUDGMENT IN A CRIMINAL CASE

DAVID CASTENEDA-SOLIS

Case Number: 1:11CR00037-001

USM Number: 09910-028

Juval O. Scott  
Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) 1☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

## A CERTIFIED TRUE COPY

Laura A. Briggs, Clerk  
U.S. District Court  
Southern District of IndianaBy Melanie Carmichael  
Deputy Clerk

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count(s)
8 U.S.C. § 1326(a) and (b)(2)	Illegal Re-Entry After a Deportation Subsequent to a Conviction for an Aggravated Felony	2/11/11	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/3/2011

Date of Imposition of Judgment

William T. LawrenceHon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

## A CERTIFIED TRUE COPY

Laura A. Briggs, Clerk  
U.S. District Court  
Southern District of IndianaBy Jennifer H. Ong  
Deputy Clerk

11/07/2011

Date

DEFENDANT: DAVID CASTENEDA-SOLIS  
CASE NUMBER: 1:11CR00037-001

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 46 months

☒ The court makes the following recommendations to the Bureau of Prisons:  
That the defendant be designated to an institution in Ohio.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_  
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_  
☐ as notified by the United States Marshal.  
☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: DAVID CASTENEDA-SOLIS  
CASE NUMBER: 1:11CR00037-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : 3 years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: DAVID CASTENEDA-SOLIS  
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### SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall provide the probation officer access to any requested financial information.
2. The defendant shall participate in a program of testing for substance abuse to include no more than eight drug tests per month and shall pay a portion of the fees of testing.
3. The defendant shall submit to the search (with the assistance of other law enforcement as necessary) of his person, vehicle, office/business, residence and property, including computer systems and peripheral devices. The defendant shall submit to the seizure of contraband found. The defendant shall warn other occupants the premises may be subject to searches.
4. Upon completion of imprisonment, the defendant shall be surrendered to Immigration authorities for deportation proceedings pursuant to the Immigration and Naturalization Act, and if detained shall not be required to report to the probation officer within 72 hours of release from imprisonment. The defendant shall not enter the U.S. illegally. If granted permission by Immigration authorities to remain in or legally re-enter the U.S. during the period of supervised release, the defendant shall report immediately to the probation officer.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. Probation Officer/Designated Witness

\_\_\_\_\_  
Date

DEFENDANT: DAVID CASTENEDA-SOLIS  
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**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$	\$

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<b>TOTALS</b>	\$ _____	\$ _____
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- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

The defendant shall pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ G below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ G below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ If this case involves other defendants, each may be held jointly and severally liable for payment of all or part of the restitution ordered herein and the Court may order such payment in the future.
- G ☒ Special instructions regarding the payment of criminal monetary penalties:  
Payment to be made through the Inmate Financial Responsibility Program.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

<u>Defendant Name</u>	<u>Case Number</u>	<u>Joint &amp; Several Amount</u>
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- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.